

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Respondent,
v.
MICHAEL L. MONTALVO,
Movant.

No. 2:89-cr-00062 WBS GGH

ORDER

Movant, a federal prisoner proceeding through counsel, has filed a motion to correct his sentence pursuant to Fed. R. Crim. Proc. 35(a). ECF No. 1143. The undersigned has reviewed the motion for purposes of determining whether movant has substantially complied with the prefiling order in this case. See ECF No. 1127. The undersigned finds petitioner has done so. However, the undersigned expresses no opinion here whether the most recent motion is barred by principles of res judicata or other claim preclusion law.

Accordingly, respondent is to file an opposition, or statement of non-opposition, within 45 days of the effective date of this order. Petitioner may then file a reply no later than thirty days from the date respondent's opposition, if any, is filed.

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The Clerk of the Court shall serve a copy of this order, together with a copy of movant's motion, on the United States Attorney or his authorized representative.

IT IS SO ORDERED.

Dated: June 4, 2019

/s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE